

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY-AMERICAN)
WATER COMPANY FOR AN ADJUSTMENT OF) CASE NO. 2012-00520
RATES SUPPORTED BY A FULLY FORECASTED)
TEST YEAR)

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On February 20, 2013, March 20, 2013, and March 29, 2013, Movant, Kentucky American Water Company ("Ky-American"), moved pursuant to 807 KAR 5:001, Section 7,¹ that certain materials filed with the Commission be afforded confidential treatment and not be placed in the public record subject to public inspection.

In support of its motion filed on February 20, 2013, Ky-American states that the information it is requesting to be held confidential is contained in its Responses to Commission Staff's Second Request for Information, Item Nos. 63(c), 67(a)-(b), 68 (a)-(c), 77, 87 and 105(d); Responses to the Attorney General of the Commonwealth of Kentucky's, by and through his Office of Rate Intervention ("AG"), First Request for Information, Item Nos. 21, 23(a), 75(d), 76(d), 77(d), 86, 103, 111, 117, 124, 144, and 168(c); and Responses to Lexington Fayette Urban County Government's Request for Information, Item No. 17. The information is more particularly described as containing sensitive information that if disclosed could result in a competitive disadvantage to Ky-American, as set out in KRS 61.878(1)(c)(1), as well as customer-identifying information

¹ An amendment to 807 KAR 5:001 became effective January 3, 2014. The correct section number is now Section 13.

that if disclosed could result in an unwarranted invasion of personal privacy, as described in KRS 61.878(1)(a).

On March 20, 2013, Ky-American filed a motion for confidential treatment stating that the information it is requesting to be held confidential is contained in its Responses to Commission Staff's Third Request for Information, Item Nos. 24(e) and 29, and the AG's Second Request for Information, Item 15. The information is more particularly described as steering committee minutes of meetings and documents regarding the termination of billing services, as well as internal audits and supporting documentation. Ky-American states that if the information is disclosed, it could result in a competitive disadvantage to Ky-American, as set out in KRS 61.878(1)(c)(1).

On March 29, 2013, Ky-American filed a motion for confidential treatment stating that the information it is requesting to be held confidential is contained in its Supplemental Responses to the AG's First Request for Information, Item No. 168(c), which was filed in its entirety on a CD-ROM. The information is more particularly described as a CD-ROM containing contracts, schedules, exhibits, and appendices associated with the undertaking of developing a new computer software program. Ky-American states that if the information is disclosed, it could result in a competitive disadvantage to Ky-American, as set out in KRS 61.878(1)(c)(1).

Along with its March 29, 2013 Motion for Confidentiality, Ky-American submitted a Motion for Deviation to file its response to the AG's First Request for Information, Item No. 168(c) in a CD-ROM format only. To support its motion for deviation, Ky-American stated that the response was too voluminous to file a paper copy of the response.

Having carefully considered the motions and the materials at issue, the Commission finds that:

1. The materials contained in Ky-American's Response to Commission Staff's Second Request for Information, Item 63(c), have passed the date of sensitivity to exposure, and, therefore, no longer meet the criteria for confidential treatment as set out in KRS 61.878(1)(c)(1) and should be denied.

2. The materials contained in Ky-American's Responses to Commission Staff's Second Request for Information, Item Nos. 67(a)-(b), 68(a)-(c), 77, 87, and 105(d); the AG's Second Request for Information, Item Nos. 21, 23(a), 75(d), 76(d), 77(d), 86, 103, 111, 117, 124, 144 and 168(c); and Lexington Fayette Urban County Government's Request for Information, Item No. 17, as requested in Ky-American's Motion filed February 20, 2013; Responses to Commission Staff's Third Request for Information, Item Nos. 24(e) and 29, and the AG's Second Request for Information, Item 15, as requested in Ky-American's Motion filed March 20, 2013; and the Response to the AG's First Request for Information, Item No. 168(c), as requested in Ky-American's Motion filed March 29, 2013, do meet the criteria for confidential protection as set forth in KRS 61.878(1)(c)(1) and should not be placed in the public record for an indefinite time period, or until further Orders of this Commission.

3. Ky-American's Motion for Deviation from the Commission's filing requirements, as set out in 807 KAR 5:001, requesting that Ky-American be granted leave to file the information on a CD-ROM only, without an accompanying copy in paper format, should be granted.

IT IS THEREFORE ORDERED that:

1. Ky-American's Motion for Deviation from the requirement under 807 KAR 5:001 to file a paper copy of the confidential material contained in its response to the AG's First Request for Information, Item 168(c), is hereby granted.

2. Movant's Motions for Confidential Protection are hereby granted in part and denied in part.

3. The materials contained in Ky-American's Response to Commission Staff's Second Request for Information, Item 63(c), have passed the date of sensitivity to exposure and therefore no longer meet the criteria for confidential treatment as set out in KRS 61.878(1)(c)(1) and are hereby denied confidential protection.

4. The Commission shall not make the requested materials denied confidential treatment available for inspection for a period of 20 days from the date of this Order in order to allow Ky-American time to seek a remedy afforded by law.

5. The materials contained in Ky-American's Responses to Commission Staff's Second Request for Information, Item Nos. 67(a)-(b), 68(a)-(c), 77, 87, and 105(d); the AG's Second Request for Information, Item Nos. 21, 23(a), 75(d), 76(d), 77(d), 86, 103, 111, 117, 124, 144, and 168(c); and Lexington Fayette Urban County Government's Request for Information, Item No. 17, as requested in Ky-American's Motion filed February 20, 2013; Responses to Commission Staff's Third Request for Information, Item Nos. 24(e) and 29, and the AG's Second Request for Information, Item 15, as requested in Ky-American's Motion filed March 20, 2013; and the Response to the AG's First Request for Information, Item No. 168(c), as requested in Ky-

American's Motion filed March 29, 2013, do meet the criteria for confidential protection as set forth in KRS 61.878(1)(c)(1) and are hereby granted confidential protection. The materials granted confidential protection will not be placed in the public record nor made available for public inspection for an indefinite time period, or upon further Orders of this Commission.

6. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

7. Movant shall inform the Commission if the materials granted confidential protection become publicly available or no longer qualify for confidential treatment.

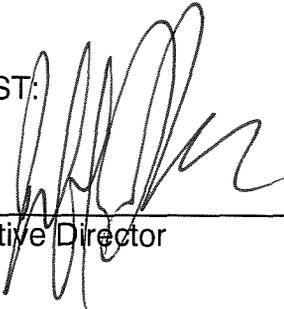
8. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, the Movant shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Movant is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

9. The Commission shall not make the requested materials available for inspection for 20 days following an Order finding the materials no longer qualify for confidential treatment in order to allow Movant to seek a remedy afforded by law.

By the Commission

ENTERED
AUG 01 2014
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director